



NEW YORK
REGIONAL OFFICE

UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
100 PEARL STREET, SUITE 20-100
NEW YORK, NY 10004-2616

VIA ECF

September 20, 2024

Hon. Margo K. Brodie
United States Courthouse
225 Cadman Plaza East
Brooklyn, NY 11201

Re: SEC v. Consensys Software Inc., 24-cv-4578 (E.D.N.Y.)

Dear Chief Judge Brodie:

Plaintiff Securities and Exchange Commission (“SEC”) respectfully notifies the Court of the decision yesterday in the related Texas matter, *Consensys Software Inc. v. Gensler et al.*, 24-cv-369 (N.D. Tex.), granting the SEC’s motion to dismiss that case. A copy of that decision is attached hereto.

On August 30, 2024, Defendant Consensys Software Inc.’s (“Consensys”) filed a pre-motion conference letter seeking to file a motion to dismiss this case or transfer it to the Northern District of Texas, solely on the basis that the Texas case took precedence under the “first-filed” rule. (Dkt. 14). On September 13, 2024, the Court ordered the parties to confer and file a proposed briefing schedule for this anticipated motion. But the decision dismissing the Texas matter renders Consensys’s anticipated motion here moot.

Accordingly, the SEC intends to confer with Consensys to attempt to reach agreement on a proposed alternative schedule to litigate this matter.

Respectfully submitted,

/s/ Ben Kuruvilla
Trial Counsel
Division of Enforcement

cc: All Counsel of Record (via ECF)